

REMARKS

The abstract of the disclosure was objected to because it includes legal phraseology. The abstract is hereby corrected in this Amendment. Accordingly, this change should remove the Examiner's objection to the abstract.

Claims 1, 2, 5-13, 20, 22, 24, 25, 28, 29, 36, and 38 were rejected under 35 USC 103(a) as being unpatentable over Tsubaki et al. (US 6,539,169).

In addition, claims 16-19, 21, 23, 32-35, 37, and 39 were objected to as being dependent upon a rejected base claim. The Examiner has indicated that such claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Independent claim 12 has been amended to include the allowable subject matter of claims 13 and 16. Independent claim 20 has been amended to include the allowable subject matter of claim 23. Independent claim 28 has been amended to include the allowable subject matter of claims 29 and 32. Independent claim 36 has been amended to include the allowable subject matter of claim 37. In addition, independent claim 24 has been amended to include features that are not taught or suggested by the references cited by the Examiner. Accordingly, amended claims 12, 20, 24, 28 and 36 are believed to be patentable over the prior art.

Claims 17-19 depend on amended claim 12, claims 21 and 22 depend on amended claim 20, claims 31 and 33-35 depend on amended claim 28, and claims 38 and 39 depend on amended claim 36. Accordingly, claims 17-19, 21-22, 31, 33-35, and 38-39 are believed to be patentable at least due to their dependency of amended claims 20, 28, and 36, respectively.

By this amendment, claims 1-11, 13, 16, 25, 29, 32 and 37 have been cancelled. Accordingly, the rejection of claims 1, 2, 5-13, 25, and 29 under 35 USC 103(a) is believed to be moot, and the objection of claims 16, 32, and 37 is believed to be moot.

Claims 3, 14, 26, and 30 were rejected under 35 USC 103(a) as being unpatentable over Tsubaki in view of Lynch et al. (US 6,381,280).

By this amendment, claim 3 has been cancelled. Accordingly, the rejection of claim 3 under 35 USC 103(a) is believed to be moot.

Claim 14 depends on amended claim 12, claim 26 depends on amended claim 24, and claim 30 depends on amended claim 28. Accordingly, claims 14, 26 and 30 are believed to be patentable at least due to their dependency on amended claims 12, 24, and 28, respectively.

Claims 4, 15, 27, and 31 were rejected under 35 USC 103(e) as being unpatentable over Tsubaki in view of Lynch, in further view of Swidler et al. (US 6,393,578).

By this amendment, claim 4 has been cancelled. Accordingly, the rejection of claim 4 under 35 USC 103(a) is believed to be moot.

Claim 15 depends on amended claim 12, claim 27 depends on amended claim 24, and claim 31 depends on amended claim 28. Accordingly, claims 15, 27, and 31 are believed to be patentable at least due to their dependency on amended claims 12, 24, and 28, respectively.

By this amendment, new claims 40-45 have been added. Independent claim 40 is directed to a method for adjusting the file size of digital images stored in a memory of a digital camera, including capturing an image; compressing the captured image to produce a compressed image; organizing the compressed image into a first image file including a plurality of quality layers and having a first image file size; storing the first image file in the memory of the digital camera; and deleting at least one of the plurality of quality layers from the first image file to reduce the size of the stored first image file. The method further includes capturing a subsequent image; compressing the subsequent image to produce a compressed subsequent image; and storing the compressed subsequent image in the memory of the digital camera. These features are neither taught nor suggested by the references cited by the Examiner. Accordingly, new claim 40 is believed to be patentable over the prior art.

New claims 41-45 depend on claim 40. Accordingly, claims 41-45 are believed to be patentable at least due to their dependency on claim 40.

If there are any formal matters remaining after this response, Applicant's attorney would appreciate a telephone call to attend to these matters.

In view of the foregoing, it is believed that the claims in the application are allowable over the prior art and such allowance is respectfully requested.

The Commissioner is hereby authorized to charge any fees in connection with this communication to Eastman Kodak Company Deposit Account No. 05-0225.

A duplicate copy of this communication is enclosed.

Respectfully submitted,

A handwritten signature in cursive script, reading "Pamela R. Crocker", is written over a horizontal line.

Pamela R. Crocker
Attorney for Applicant(s)
Registration No. 42,447

PRC:cjm
Telephone: (585) 477-0553
Facsimile: (585) 477-4646